

HOUSE BILL 1548
EMERGENCY BILL

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B3

2004 Regular Session
4r3263
CF 4r3264

By: **Delegate G. Clagett**

Rules suspended

Introduced and read first time: April 4, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - The Carroll Creek Project Loan of 1987**

3 FOR the purpose of amending Chapter 409 of the Acts of the General Assembly of
4 1987 to extend the time by which the proceeds of the Carroll Creek Project Loan
5 of 1987 must be encumbered by the Board of Public Works or expended; and
6 making this Act an emergency measure.

7 BY repealing and reenacting, with amendments,
8 Chapter 409 of the Acts of the General Assembly of 1987
9 Section 1

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Chapter 409 of the Acts of 1987**

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That:

15 (1) The Board of Public Works may borrow money and incur indebtedness on
16 behalf of the State of Maryland through a State loan to be known as the Carroll Creek
17 Project Loan of 1987 in a total principal amount \$2,000,000. This loan shall be
18 evidenced by the issuance, sale, and delivery of State general obligation bonds
19 authorized by a resolution of the Board of Public Works and issued, sold and delivered
20 in accordance with §§ 8-117 through 8-124 of the State Finance and Procurement
21 Article and Article 31, § 22 of the Code.

22 (2) The bonds to evidence this loan or installments of this loan may be sold as
23 a single issue or may be consolidated and sold as part of a single issue of bonds under
24 § 8-122 of the State Finance and Procurement Article.

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
26 and first shall be applied to the payment of the expenses of issuing, selling, and
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then
28 shall be credited on the books of the Comptroller and expended, on approval by the

1 Board of Public Works, for the following public purposes, including any applicable
2 architects' and engineers' fees: as a grant to the City of Frederick for the purpose of
3 assisting in the construction of Phase III of the Carroll Creek Project, between South
4 Market Street and South Carroll Street, in the City of Frederick, Frederick County.

5 (4) An annual State tax is imposed on all assessable property in the State in
6 rate and amount sufficient to pay the principal of and interest on the bonds, as and
7 when due and until paid in full. The principal shall be discharged within 15 years
8 after the date of issue of the bonds.

9 (5) Prior to the payment of any funds under the provisions of this Act for the
10 purposes set forth in Section 1(3) above, the City of Frederick shall provide at least an
11 equal and matching fund of \$2,000,000. No part of an applicant's matching fund may
12 be provided, either directly or indirectly, from funds of the State, whether
13 appropriated or unappropriated. No part of the fund may consist of real property, in
14 kind contributions, or funds expended prior to the effective date of this Act. In case of
15 any dispute as to what money or assets may qualify as matching funds, the Board of
16 Public Works shall determine the matter, and the Board's decision is final. The City of
17 Frederick has until June 1, 1989, to present evidence satisfactory to the Board of
18 Public Works that the matching fund will be provided. If satisfactory evidence is
19 presented, the Board shall certify this fact to the State Treasurer and the proceeds of
20 the loan shall be expended for the purposes provided in this Act. If this evidence is not
21 presented by June 1, 1989, the proceeds of the loan shall be applied to the purposes
22 authorized in § 8-129 of the State Finance and Procurement Article.

23 (6) THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF
24 PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER
25 THAN JUNE 1, 2005.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a yea and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted.